

**OPINION
47-162**

January 15, 1947 (OPINION)

INTOXICATING LIQUOR

RE: Commissioners Authority to Issue License

Your letter of January 10 has been received with reference to the issuance of a liquor license in an unincorporated village.

Under Section 5-0208 of the 1943 Revised Code, the board of county commissioners of each county has the power to issue licenses for the sale of beer in territory outside of incorporated cities and villages. They have the power and authority to issue licenses for the sale of hard liquor in unorganized territory or a place other than within the incorporated limits of a city or village. See Section 5-0303 of the North Dakota Revised Code of 1943.

As I understand the law, it is not necessary that the county commissioners consult the township board before the issuance of a license in unorganized territory of the township. Nor is their authority dependent upon any action whatsoever by the people of an unincorporated village.

While it is within the discretion and authority of the county commissioners to issue beer licenses and liquor licenses in unorganized territory, it might be entirely proper for the county commissioners to consult with the township officers to ascertain if it is agreeable to them that liquor licenses be issued to anyone applying for the same. But under the law, if the commissioners thought fit, they could issue licenses in unorganized territory in spite of opposition to the issuance of the same by the township officers. I think it would be a wholesome thing if the county commissioners would consult the officers of the township prior to issuing any beer or liquor license in the township and ascertain from those officers their feeling and thoughts in that connection.

NELS G. JOHNSON